

Carlisle Conservation Commission
October 28, 2010

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall 7:30 p.m. In addition to Guarino also present were Commissioners Luke Ascolillo, Tom Brownrigg, Jen Bush, and Debra Kimbrell-Anderson and Conservation Administrator Sylvia Willard. Vice-Chair Peter Burn was not present.

Bills, General Agenda Items, New Business:

Emergency Certificate: Brownrigg moved to issue an Emergency Certificate to property owner Emily Williams of 28 Concord Street to allow work on the installation of footings under the west wall of an existing barn that had been recently deemed unsafe by the town's Building Inspector. Ascolillo seconded and all attending voted in favor. A Notice of Intent will be forthcoming as required for work undertaken within the 100' Buffer Zone.

Massachusetts Canine Response Team (MCRT): Responding to a previous request from a representative of the volunteer organization MCRT to conduct search and rescue training exercises on Carlisle Conservation Lands, the Commission had consulted with Town Counsel and were advised that a Certificate of Liability Insurance must be provided by the group in order to adequately protect the Town from liability in the event that a member of the group is injured during a training session. There was a question of whether Town Counsel had been consulted on the use of individual Land Use Permits or on the possibility of the group working in conjunction with the Carlisle Police Department as alternatives to the requirement of a Certificate of Liability. The discussion will be continued once Town Counsel has responded to the additional inquiry.

393 South Street – Site Visit: Members of the Conservation Commission, the Trails Committee and CCF will attend a site visit on Saturday, October 30 being conducted for those individuals who had not previously had an opportunity to view the land for which the town has a Right of First Refusal under MGS Chapter 61B for ~13+/- acres of land.

FY12 Budget Process: A joint Land Use Board meeting with the Finance Committee has been scheduled for Monday December 13, 2010 to begin discussions on the FY12 budget planning process. Chair Burn has agreed to act as the Commissions liaison to FinCom during the process, with Guarino agreeing to assist as needed.

Chestnut Estates Open Space Parcel: A brief discussion was held for the purpose of determining an appropriate response to a memo from the Planning Board relative to the clearing and construction activities associated with the building of the common driveway for Chestnut Lane. The work occurred within the boundaries of the Town of Carlisle's Open Space parcel. It is unclear as to how and why this clearing occurred, since it was within a limit of work area shown on the approved plans but also on Town land with no easement having been provided. The Planning Board's review engineer, Nitsch Engineering, had recommended that the contractor provide a design solution in order to restore the portion of the Open Space parcel. The Commission requested that Willard coordinate a site visit with the developer in order to determine appropriate requirements for a Planting Plan.

Land Use Permit Request: Scout Leader Richard Sibley and his son James of Cub Scout Pack 135 were present to request a Land Use Permit for the Troup's annual Rocket Launching Event. The Commission appreciated the thoughtful overview of the event provided by James. Richard confirmed that the scheduling of the event has been coordinated with the Foss Farm Pony Club and with Foss Farm Agricultural Lessee Mark Duffy. *Bush moved to issue a Land Use Permit to Cub Scout Pack 135 for their Annual Rocket Launching Event to be held at Foss Farm on November 6, 2010 from 11 a.m. to 3 p.m., with a rain date of November 20, 2010. Ascolillo seconded and all attending voted in favor.*

Wildlife Viewing Platform Vote: Representing the Carlisle Conservation Foundation (CCF), Steve Hinton was present to request permission to begin work on the installation of a wildlife viewing platform that had been permitted under an Order of Conditions issued on October 1, 2010.

Because the project was being undertaken on town owned land that is under the care and custody of the Conservation Commission, a formal vote was required by the Commission as follows: *Brownrigg moved to authorize CCF and the Carlisle Trails Committee to begin construction of the wildlife viewing platform at Spencer Brook, Bush seconded and all attending voted in favor.*

MacAfee Land Update: Steve Hinton of CCF provided a brief update on the status of the restoration process that was deemed necessary subsequent to the discovery of a violation involving clearing on a portion of town-owned land. Hinton reported that the landowner has made significant progress in implementing the planting plan as required by the Commission previously. A follow up site visit will be conducted next spring to determine whether any additional restoration work will be necessary.

8:05 p.m. (DEP 125-772) Request for Amended Order of Conditions

Applicant: Lemonias Development

Project Location: Lot 3, Koning Farm Road, Map 17, Parcel 17A Lot 3

Project Description: Construction of a house, deck, well, drywells, retaining walls and associates grading within the 100' Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the hearing for DEP #125-772 under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. George Dimakarakos of Stamski and McNary presented the details of the proposed revised Plan, changes to which include a reduction in the size of the dwelling, now situated so as to be entirely out of the Buffer Zone, repositioning of the driveway to the northerly end of the house, and grading changes associated with the repositioning and resizing of the house. *Bush moved to Amend the existing Orders of Conditions to reflect the revised Plan dated September 14, 2010, Brownrigg seconded and all attending voted in favor. Bush moved to close the public hearing for DEP #125-772, Brownrigg seconded and all attending voted in favor. (Because hearing was not closed before motion) Bush re-moved her previous motion relative to amending the existing Orders of Conditions, Brownrigg seconded and all attending voted in favor.*

8:15 p.m. (DEP 125-0892) Notice of Intent, continued Hearing

Applicant: Catherine Cole

Project Location: 81 Craigie Circle

Project Description: Landscaping, planting and construction of a deck

Guarino opened the continued hearing for DEP #125-0892 under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Ascolillo recused himself as he is an abutter to the proposed project. The majority of the proposed project is exempt from a MESA review since work would occur within previously landscaped areas. A portion of the landscaping, however, would occur at the fringe of the existing lawn area and therefore a review of the Plan by NHESP is required. After reviewing the proposed project, NHESP had determined that the project would not adversely impact the resource area habitat and would not result in a take of imperiled state-listed rare species. *Brownrigg moved to close the hearing for DEP #125-772, Kimbrell Anderson seconded and all voted in favor. Brownrigg moved to issue a Standard Order of Conditions with the Special Condition that the 100-Year Flood Plain be staked by survey prior to the commencement of work and in accordance with the Plan dated October 4, 2010, Kimbrell Anderson seconded and all present voted in favor.*

8:20 p.m. (DEP 125-0893) Notice of Intent

Applicant: The Rachel Webster Elliott Trust –2004

Project Location: 291 River Road, Map 1 Parcels 1, 1A, 1B, 3, 3B

Project: Common Driveway project within 100-foot Buffer Zone of a Bordering Vegetated Wetland, within Bordering Vegetated Wetland and within the 100 & 200-foot Riverfront Area

Guarino opened the continued hearing for DEP #125-0893 under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw.

George Dimakarakos of Stamski and McNary provided a preliminary overview of the project, emphasizing that the primary goals of the applicant in undertaking the project include preserving a significant portion of the property as a working farm, maintaining the historic and ongoing community uses at the farm, and ensuring that the open vistas will be maintained. He noted that there is a parallel review process being undertaken by the Planning Board for the Common Driveway Special Permit, and that the discussion at this hearing was limited to construction of a new common driveway including a stream crossing under the provisions of the Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw.

The proposed common drive would cross the narrowest point of a perennial stream that flows out of one of the existing farm ponds. The stream crossing would be constructed using an open bottom box culvert. A wetland fill of 261 square feet would be required, with the proposed replication area being 413 square feet, to be reestablished using indigenous wetland plant species. They are incorporating LID Stormwater Best Management Practices into the design and the Stormwater Management Calculations included with Plans and will be peer reviewed by engineering consultant Nitsch Engineering through Planning Board review process. The Stormwater Management Calculations have also been provided to the Army Corp of Engineers in accordance with stream crossing requirements/guidelines.

The results of the Simplified Wildlife Habitat Evaluation - Appendix A, as provided by Wetland Biologist David Crossman B & C Associates and as required for alteration of less than 5000 square feet of a BVW, concluded that the project is presumed to have no adverse effect and should not require an Appendix B study. The area that was evaluated included the area of proposed work and the surrounding 100 feet.

Brownrigg raised concerns about the prospect of allowing work on land that is entirely within what is classified as "Core Habitat" according to NHESP's BioMap, a guide for conservation organizations designed to guide strategic biodiversity conservation in the state by focusing land protection and stewardship on the areas that are most crucial for ensuring the long term persistence of rare and other native species and their habitats, exemplary natural communities and a diversity of ecosystems. He also questioned Crossman's finding that there are no certifiable vernal pools within 100 feet of the proposed project area, noting that pools may in fact exist just outside of the study area. Willard questioned why the Wildlife Habitat Evaluation did not include an evaluation of the Riverfront Area. The issue will be addressed further at another time during the hearing process.

In reviewing the Alternatives Analysis as required for work proposed within the Riverfront area, Dimakarakos noted that they had found no practicable and substantially equivalent economic alternatives that would achieve the proposed project purpose and that the proposed design is the most environmentally sensitive design available.

It was determined that a site visit would be helpful in order for the Commission to gain a better understanding of the project as being proposed. The site visit was scheduled for Saturday, November 6 at 3 p.m. with the hearing being continued to November 18, 2010 at 8 p.m.

9:05 p.m. Foss Farm Land Use Permit: Bob Dennison was present to put forth a request for a Land Use Permit on behalf of a group of local trainers who wish to conduct sled dog training exercises on Foss Farm for the upcoming season. Contrary to the requirements of the nearly 40 years that the activity has occurred on the land since it was purchased by the Town in 1971, a Land Use Permit is being required for the upcoming season in accordance with the Guidelines for Sled Dog Activities at Foss Farm as determined by the Commission and outlined in a memo to the BOS dated February 25, 2010. The Guidelines were established in response to a formal noise complaint put forth by an abutter to Foss Farm in November of 2008.

Guarino reviewed the previously adopted guidelines for the benefit of those in attendance. Six individual Land Use Permits were issued for the period beginning October 29, 2010 through March 31, 2011 during the hours of 9 a.m. to 12 p.m. with the following conditions: vehicles shall be parked at the community gardens, with the exact location to be determined in coordination with the Garden Manager; a sandwich board type sign must be posted near the driveway to

inform other users when the training is taking place; guidance was given relative to snow plowing requirements. A formal vote was taken as follows: *Kimbrell Anderson moved to approve the Land Use Permits including conditions as discussed for a one year trial basis, Ascolillo seconded and all attending voted in favor with the exception of Brownrigg, who opposed.*

10:00 p.m. Wetland Violation Report: South Street resident Alan Carpenito had requested time on the Agenda to report for the record alleged wetlands violations that occurred on the Benfield land in 2003. His report, which was submitted in writing to both the Commission and the DEP, states that various clearing, grading and excavating activities occurred on the property within a jurisdictional area. Carpenito requested clarification as to whether the activities would have been exempt from a filing if the land had been in Chapter 61A.

Ray Kubacki of South Street who was present for the discussion of the possible wetlands violations, asked the Commission to provide clarification on another issue relative to the Benfield Property; specifically, whether the commission was aware of a dam that was constructed on a private property abutting the Benfield land and may in fact be impeding the flow of the stream that was determined by the Commission to be intermittent. Since the DEP is in the process of issuing Superseding Orders of Conditions on the filing for a 40B development, the Commission directed Mr. Kubacki to raise the issue directly with DEP.

10:10 p.m. Bylaw Fee Schedule Revision: A draft proposal packet for discussing a revision of the currently Carlisle Wetlands Protection Bylaw Fee schedule was distributed. Brownrigg, who had assisted Willard in compiling the data, said that the intent of the proposed fee revision is to allow the Commission to recover a more appropriate percentage of costs associated with operating costs. The discussion will be continued to the next meeting in order to allow sufficient time for the Commission to review the proposed changes and make recommendations as needed prior to holding a public hearing on the fee revisions.

10:40 p.m. Kimbrell Anderson moved to adjourn, Brownrigg seconded and all attending voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant

ADDITIONAL MEETING MATERIALS: Draft Fee Schedule, dated; 10/26/2010
Memorandum: Guidelines for Sled Dog Activities, dated: 2/25/2010
Town of Carlisle, Massachusetts Planning Board memo re: Chestnut Estates Open Space Parcel, dated: 10/26/2010